

**16-4-312 Affidavit and posting of notice -- Evidence.**

- (1) An affidavit made by the secretary of a corporation of the mailing of a notice required by this chapter is prima facie evidence of the existence and mailing of the notice.
- (2) The publication of a notice under this chapter may be proved by the affidavit of:
  - (a) the printer foreman or principal clerk of the newspaper in which the notice was published; and
  - (b) in accordance with Section 45-1-101, the website publisher or website publisher's designee charged with publishing the notice as required in Section 45-1-101.
- (3) The affidavit of the secretary of the corporation or the auctioneer responsible for selling shares is prima facie evidence of:
  - (a) the time and place of sale;
  - (b) the quantity and particular description of the shares sold;
  - (c) to whom and for what price the shares were sold; and
  - (d) the fact of the purchase money being paid.
- (4) The affidavits referenced in this section shall be filed in the corporation's office.
- (5) A copy of an affidavit referenced in this section is prima facie evidence of the facts contained in the affidavit if the affidavit is certified by the secretary.

Amended by Chapter 388, 2009 General Session